

House File 483 - Introduced

HOUSE FILE _____
BY FORD

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to first offense operating=while=intoxicated
2 offenses and the installation of ignition interlock devices.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2404YH 83
5 rh/nh/24

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1 1 Section 1. Section 321J.2, subsection 2, paragraph a,
1 2 subparagraph (3), subparagraph division (a), Code 2009, is
1 3 amended to read as follows:
1 4 (a) A defendant whose alcohol concentration is .08 or more
1 5 but not more than .10 shall not be eligible for any temporary
1 6 restricted license for at least thirty days if a test was
1 7 obtained and an accident resulting in personal injury or
1 8 property damage occurred. ~~The defendant shall be ordered to~~
~~1 9 install an ignition interlock device of a type approved by the~~
~~1 10 commissioner of public safety on all vehicles owned or~~
~~1 11 operated by the defendant if the defendant seeks a temporary~~
~~1 12 restricted license.~~ There shall be no such period of
1 13 ineligibility if no such accident occurred, ~~and the defendant~~
~~1 14 shall not be ordered to install an ignition interlock device.~~
1 15 In either case, the defendant shall be ordered to install an
1 16 ignition interlock device of a type approved by the
1 17 commissioner of public safety on all vehicles owned or
1 18 operated by the defendant if the defendant seeks a temporary
1 19 restricted license.

1 20 Sec. 2. Section 321J.4, subsection 1, paragraph a, Code
1 21 2009, is amended to read as follows:
1 22 a. A defendant whose alcohol concentration is .08 or more
1 23 but not more than .10 shall not be eligible for any temporary
1 24 restricted license for at least thirty days if a test was
1 25 obtained and an accident resulting in personal injury or
1 26 property damage occurred. ~~The defendant shall be ordered to~~
~~1 27 install an ignition interlock device of a type approved by the~~
~~1 28 commissioner of public safety on all vehicles owned or~~
~~1 29 operated by the defendant if the defendant seeks a temporary~~
~~1 30 restricted license.~~ There shall be no such period of
1 31 ineligibility if no such accident occurred, ~~and the defendant~~
~~1 32 shall not be ordered to install an ignition interlock device.~~
1 33 In either case, the defendant shall be ordered to install an
1 34 ignition interlock device of a type approved by the
1 35 commissioner of public safety on all vehicles owned or
2 1 operated by the defendant if the defendant seeks a temporary
2 2 restricted license.

2 3 Sec. 3. Section 321J.4, subsection 3, paragraph a, Code
2 4 2009, is amended to read as follows:
2 5 a. A defendant whose alcohol concentration is .08 or more
2 6 but not more than .10 shall not be eligible for any temporary
2 7 restricted license for at least thirty days if a test was
2 8 obtained and an accident resulting in personal injury or
2 9 property damage occurred. ~~The defendant shall be ordered to~~
~~2 10 install an ignition interlock device of a type approved by the~~
~~2 11 commissioner of public safety on all vehicles owned or~~
~~2 12 operated by the defendant if the defendant seeks a temporary~~
~~2 13 restricted license.~~ There shall be no such period of
2 14 ineligibility if no such accident occurred, ~~and the defendant~~
~~2 15 shall not be ordered to install an ignition interlock device.~~
2 16 In either case, the defendant shall be ordered to install an
2 17 ignition interlock device of a type approved by the
2 18 commissioner of public safety on all vehicles owned or
2 19 operated by the defendant if the defendant seeks a temporary
2 20 restricted license.

2 21 Sec. 4. Section 321J.12, subsection 2, paragraph a, Code
2 22 2009, is amended to read as follows:
2 23 a. A person whose driver's license or nonresident
2 24 operating privileges have been revoked under subsection 1,
2 25 paragraph "a", whose alcohol concentration is .08 or more but
2 26 not more than .10 shall not be eligible for any temporary
2 27 restricted license for at least thirty days after the
2 28 effective date of the revocation if a test was obtained and an
2 29 accident resulting in personal injury or property damage
2 30 occurred. ~~The defendant shall be ordered to install an~~
~~2 31 ignition interlock device of a type approved by the~~
~~2 32 commissioner of public safety on all vehicles owned or~~
~~2 33 operated by the defendant if the defendant seeks a temporary~~
~~2 34 license. There shall be no such period of ineligibility if no~~
2 35 such accident occurred, ~~and the defendant shall not be ordered~~
~~3 1 to install an ignition interlock device. In either case, the~~
3 2 defendant shall be ordered to install an ignition interlock
3 3 device of a type approved by the commissioner of public safety
3 4 on all vehicles owned or operated by the defendant if the
3 5 defendant seeks a temporary restricted license.

3 6 EXPLANATION
3 7 This bill requires a defendant who has been convicted of a
3 8 first offense operating=while=intoxicated offense, has
3 9 received a deferred judgment for a first offense
3 10 operating=while=intoxicated offense, or whose driver's license
3 11 or nonresident operating privilege has been revoked for the
3 12 first time for a failure of a chemical test, to install an
3 13 ignition interlock device of a type approved by the
3 14 commissioner of public safety on all vehicles owned or
3 15 operated by the defendant if the defendant seeks a temporary
3 16 license. Current law provides that such defendants who are
3 17 not involved in an accident resulting in personal injury or
3 18 property damage do not have to install ignition interlock
3 19 devices.
3 20 LSB 2404YH 83
3 21 rh/nh/24